

Medical Board of California - Division of Medical Quality
Ethics Course as Condition of Probation
Specific Language of Proposed Regulations

Adopt section 1358.1 in Article 3 of Chapter 2 of Division 13, Title 16 California Code of Regulations, to read as follows:

1358.1. Ethics Course Required as Condition of Probation.

A licensee who is required, as a condition of probation, to complete an ethics course shall take and successfully complete a professionalism program approved by the division that meets the requirements of this section.

(a) **Approved Provider.** The program provider shall be accredited by the Accreditation Council of Continuing Medical Education (ACCME), or by an entity qualified in Section 1337, to sponsor continuing medical education for physicians and surgeons and shall provide satisfactory written evidence that its professionalism program meets all of the requirements of this section.

(b) **Criteria for Acceptability of Program.**

(1) **Duration.** The course shall consist of a minimum of 22 hours, of which at least 14 are contact hours and at least 8 additional hours are credited for preparation, evaluation and assessment. The provider shall identify the number of continuing medical education hours that will be credited upon successful completion of the program.

(2) **Faculty.** Every instructor shall either possess a valid unrestricted California professional license or otherwise be qualified, by virtue of prior training, education and experience, to teach an ethics or professionalism course at a university or

teaching institution. The provider shall submit with its application a curriculum vitae for each instructor for approval by the division or its designee.

(3) **Educational Objectives.** There are clearly stated educational objectives that can be realistically accomplished within the framework of the course.

(4) **Methods of Instruction.** The provider shall describe the teaching methods for each component of the program, e.g., lecture, seminar, role-playing, group discussion, video, etc.

(5) **Content.** The program shall contain all of the following components:

(A) A background assessment to familiarize the provider and instructors with the factors that led to the prospective candidate's referral to the class.

(B) A baseline assessment of knowledge to determine the participant's knowledge/awareness of ethical and legal issues related to the practice of medicine in California, including but not limited to those legal and ethical issues related to the specific case(s) for which the participant has been referred to the program.

(C) An assessment of the participant's expectations of the program, recognition of need for change, and commitment to change.

(D) Didactic presentation of material related to those areas that were problems for the participants based upon the results of the background assessments and baseline assessments of knowledge.

(E) Experiential exercises that allow the participants to practice concepts and newly developed skills sets they have learned during the didactic section of the class.

(F) A longitudinal follow-up component that includes (1) a minimum of two contacts at spaced intervals (e.g., 6 months and 12 months) within one year after course completion or prior to completion of the participant's probationary period if probation is less than one year, to assess the participant's status; and (2) a status report submitted to the division within 10 calendar days after the last contact

(6) **Class Size.** A class shall not exceed a maximum of 12 participants.

(7) **Evaluation.** The program shall include an evaluation method that documents that educational objectives have been met—e.g. written examination or written evaluation—and that provides for written follow-up evaluation at the conclusion of the longitudinal assessment.

(8) **Records.** The provider shall maintain all records pertaining to the program, including a record of the attendance for each

participant, for a minimum of 3 years and shall make those records available for inspection and copying by the division or its designee.

(9) **Program Completion.** The provider shall issue a certificate of completion to a participant who has successfully completed the program. The provider shall also notify the division or its designee in writing of its determination that a participant did not successfully complete the program. The provider shall fail a participant who either was not actively involved in the class or demonstrated behavior indicating a lack of insight (e.g., inappropriate comments, projection of blame). This notification shall be made within 10 calendar days of that determination and shall be accompanied by all documents supporting the determination.

(10) **Change in Course Content or Instructor.** The provider shall report to the division any change in course content or instructor within 30 calendar days after the date of that change.

NOTE: Authority cited: Section 2018, Business and Professions Code.
Reference: Sections 2227, 2228, and 2229, Business and Professions Code.